

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHARIFF BUTLER,

Plaintiff,

v.

JOHN E. WETZEL, *et al.*,

Defendants.

No. 4:23-CV-00859

(Chief Judge Brann)

ORDER

AND NOW, this 13th day of November 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 46) to dismiss Plaintiff's second amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Plaintiff's Eighth Amendment failure-to-protect claims against defendants John E. Wetzel, C. Kendrick, and Jennifer Jenkins are **DISMISSED** with prejudice pursuant to Rule 12(b)(6) and 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
 - b. Plaintiff's Fourteenth Amendment equal protection claims against defendants John E. Wetzel and Jennifer Jenkins are **DISMISSED** with prejudice pursuant to Rule 12(b)(6) and 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
 - c. Plaintiff's Section 1983 civil conspiracy claims against defendants John E. Wetzel, C. Kendrick, Jennifer Jenkins, Kevin Kauffman, and Anthony Scalia are **DISMISSED** with prejudice pursuant to Rule 12(b)(6) and 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.

- d. Defendants' motion is **DENIED** in all other respects.
- 2. The Clerk of Court is directed to terminate defendants John E. Wetzel, Jennifer Jenkins, and C. Kendrick.
- 3. This case will proceed only on Butler's Section 1983 Eighth Amendment failure-to-protect claims against defendants Kevin Kauffman (through Bailey J. Kauffman, administrator of the estate of Kevin Kauffman), and Anthony Scalia.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge